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HOUSE BILL 406

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO PUBLIC RECORDS; PROVIDING FOR THE INSPECTION OF
ELECTRONIC RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 14-3-15.1 NMSA 1978 (being Laws 1986,
Chapter 81, Section 9, as amended) is repealed and a new
Section 14-3-15.1 NMSA 1978 is enacted to read:

"14-3-15.1. [NEW MATERIAL] ELECTRONIC RECORDS OF STATE
AGENCIES--INSPECTION--FEES.--

A. Unless otherwise prohibited by federal or state
law, information contained in information systems databases
created or maintained by or on behalf of a public body as
defined in the Inspection of Public Records Act shall be
subject to disclosure to any person requesting the information
in the format requested. The information shall be provided in

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underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
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1 the most effective and efficient manner available to the
2 custodian, as defined in the Inspection of Public Records Act.

3 B. The custodian may charge a reasonable fee for
4 production of the information requested. The fee shall not
5 exceed the cost of the materials and reasonable charges for the
6 personnel required to retrieve and provide the information.

7 C. If the information is requested to be provided
8 via remote electronic access, the custodian shall enter into a
9 contractual agreement with the requester governing the
10 electronic access and establishing a fee for the access. The
11 fee may include the costs of providing such access."

12 SECTION 2. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2011.